

BARROW 71-C-344  
Jury demand date: 10-21-71 by deft. Big Three Ind.

D. C. Form No. 106A Rev.

6

TITLE OF CASE				ATTORNEYS			
MILLARD RHODES  vs  THE BENDIX CORPORATION-MACKLIN SALES DIVISION, a corporation, and BIG THREE INDUSTRIES, INC., formerly BIG THREE INDUSTRIAL GAS & EQUIPMENT CO., a corporation				For plaintiff: W. P. Huckin, Jr. 1902 Philtower Bldg. Tulsa, Oklahoma 74103			
				For defendant:  Dan A. Rogers (Bendix) 1311 Petroleum Club Building Tulsa, Oklahoma 74119  Joseph M. Best, (Big Three Industries) Best, Sharp, Thomas & Glass 200 Franklin Bldg., Tulsa, Okla. 74103			
STATISTICAL RECORD		COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 10-1-71		Clerk		9-27-71	Huckin	15 00	
				9-30-71	CD 14		15.00
J.S. 6 mailed 3-1-72		Marshal					
Basis of Action: personal injuries		Docket fee					
		Witness fees					
Action arose at:		Depositions					

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-27-71	Complaint filed. Summons issued. r	
10-12-71	Summons, ret. & filed: served The Bendix Corp.-Macklin Sales Div., and Big Three Industries, Inc. by serving The Corporation Co., Ok. City, Ok. 9-29-71. (USM \$8.00)g	
10-18-71	Separate answer of the Bendix Corporation-Macklin Sales Division, filed. v	
<del>10-18-71</del>	<del>Answer of Defendant, Mobile Homes, Inc., filed. v entered in error</del>	
10-21-71	Answer of Big Three Industries, Inc., with demand for jury trial, filed. g <i>and Cross-Complaint</i>	
11-5-71	Permission granted to File Amendment to Cross-Complaint and Action-Over, on the 5th of November, 1971, filed. (AEB-J)v <i>copies made</i>	
11-5-71	Amendment of cross-complaint and action-over, by Deft., Big Three Industries, Inc., filed. v <i>copies made</i>	
12-3-71	Answer of Bendix Corporation-Macklin Sales Div. to cross-complaint and amendment to cross-complaint action over by Big Three Industries, Inc., filed. g	
12-8-71	Parties directed to hold pre-trial prior to 1-12-72 and file pre-trial order not later than 1-19-72. (AEB-J)m	
1-21-72	Case set for Jury Trial on Wednesday, 2-16-72 at 10:00 A.M. (AEB-J)V	
1-25-72	Pre-trial order, filed. (AEB-J)hm	
2-4-72	Return of service of subpoena, filed. Served <u>Woodrow F. Smith</u> , at Tulsa, Okla., 2/3/72 (USM \$7.16) rm	
2-4-72	Return of service of subpoena, filed. Served <u>Charles J. Gebetsberger, M.D.</u> in Sapulpa, Okla. 2/3/72 (USM \$2.00) rm	
2-4-72	Return of service of subpoena, filed. Served <u>Edward L. Robertson</u> , in Tulsa, Okla. 2/4/72 (USM \$2.00) rm	
2-4-72	Return of service of subpoena, filed. Served <u>Wendell Lee Murdock</u> , in Tulsa, Okla. 2/3/72 (USM \$2.00) rm	
2-4-72	Return of service of subpoena, filed. Served <u>Leonard A. Boswell</u> , in Haskell, Okla. 2/3/72 (USM \$2.00) rm	
2-4-72	Return of service of subpoena, filed. Served <u>Teddy W. Archer</u> , in Sapulpa, Okla. 2/3/72 (USM \$2.00) rm	
2-4-72	Return of service of subpoena, filed. Served <u>Gerald Phelan</u> , in Bixby, Okla. 2/3/72 (USM \$2.00) rm	
2-16-72	Case called for jury trial. Parties present and announce ready, and case passed for Jury trial on Tuesday, Feb 22, 1972 at 10:00 A.M. (AEB-J)h	
2-17-72	Return of Marshal's service of subpoena, filed. Served Wm. Wells in Sapulpa on 2/16/72 (USM \$5)	
2-24-72	Case tried to a Jury on 2-22, 23&24, 1972. Jury returns with a verdict for the defendant. Verdict read, accepted and filed in open court. Jury discharged. (AEB-J)hj	
2-24-72	Exhibits in Exhibit room.	
2-24-72	Judgment and Jury verdict filed and entered. It is adjudged that the plaintiff take nothing, that the action is dismissed on the merits, and that the defendant recovers of the plaintiff, Millard Rhodes, their costs of action. (AEB-J)h <i>copies to attorneys. h</i>	
3-3-72	Motion of the Plaintiff for a New Trial, filed. v <i>motion sheet to draw</i>	
4-3-72	Order overruling plaintiff's motion for new trial, filed and entered. (AEB-J)rm <i>copies made</i>	